

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES L. TIMMONS	:	CIVIL ACTION
	:	
v.	:	NO. 05-3801
	:	
DAVID DIGUGLIELMO, <u>et al.</u>	:	

ORDER

AND NOW, this 12TH day of October, 2006, upon careful and independent consideration of the pleadings and the record herein, and after review of the Report and Recommendation of United States Magistrate Judge Timothy R. Rice, and having received no objections thereto, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The Petition for Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**.
3. There is no probable cause to issue a certificate of appealability.

BY THE COURT:

/s/ Bruce W. Kauffman
BRUCE W. KAUFFMAN, J.